Remarks

Claims 40-47, 50-54, 62 and 131-134 were considered in the Office Action mailed on June 7, 2004. Claims 50-54 and 131-134 were rejected under 35 U.S.C. §101; claims 50, 52, 131 and 132 were rejected under 35 U.S.C. §112, first paragraph; and claims 50-54 and 131-134 were rejected under 35 U.S.C. §102(b). Claim 62 was objected to as being dependent upon a rejected claim. Claims 40-47 were stated to be allowable.

Applicants thank the Examiner for the helpful discussion of August 17, 2004, during which Applicants' attorney, Jennifer Moitoso, and the Examiner discussed the nature of the current rejections and amendments to overcome them. Based upon this discussion with the Examiner, Applicants have amended claims 50 and 131 to clarify that the descendent cells comprise the vector, and have amended claims 52 and 132 to clarify that the host cell is a mammalian host cell. The rejections and amendments are discussed in more detail below. Support for the amendments can be found throughout the specification, including, for example, at page 5, lines 13-15, and page 30, lines 7-10. No new matter has been added by these amendments.

Rejections under 35 U.S.C. §101

Claims 50-54 and 131-134 were rejected under 35 U.S.C. §101 as being directed toward non-statutory subject matter. Specifically, those claims were said to read on a product of nature because the claims do not require that the descendent cells retain the vector. As discussed with Examiner on August 17th, Applicants have amended claims 50 and 131 to clarify that the descendent cells comprise the vector, and submit that the amendment obviates the rejections. Claims 51-54 and 134 depend from claim 50, and claims 132-133 depend from claim 131. As such, Applicants respectfully submit that the rejections to claims 51-54 and 131-134 have also been obviated and request reconsideration and withdrawal thereof.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 50, 52, 131 and 132 were rejected under 35 U.S.C. §112, first paragraph, for allegedly not being enabled by the specification. As discussed with the Examiner, Applicants

have amended claims 50 and 131 to clarify that the descendent cells comprise the vector, and have amended claims 52 and 132 to clarify that the host cell is a mammalian host cell.

Applicants submit that amended claims 50, 52, 131 and 132 are fully enabled by the specification. Accordingly, Applicants respectfully submit that claims 50, 52, 131 and 132 are in condition for allowance and request reconsideration and withdrawal of the current rejections.

Rejections under 35 U.S.C. §102(b)

Claims 50-54 and 131-134 were rejected inder 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,959,313 to Taketo ("Taketo"). Specifically, the Office Action states that because the claims do not require that the decendent cells retain the vector, the claims are anticipated by Taketo. As discussed with the Examiner on August 17th, and as described above, claims 50 and 131 have been amended to clarify that the descendent cells, as well as the host cells, comprise the vector. Applicants respectfully submit that this amendment obviates the rejections to claims 50 and 131, as well as to claims 51-54 and 132-134, which depend therefrom.

Claim Objection

Claim 62 was objected to as being dependent upon a rejected base claim. Claim 62 depends from any of claims 51-54. Applicants submit that upon entry of this paper, claims 51-54 will be in condition for allowance. Accordingly, Applicants respectfully request that the objection to claim 62 be withdrawn and submit that claim 62 is in condition for allowance.

Supplemental Information Disclosure Statement

Applicants enclose herewith a copy of the Supplemental Information Disclosure Statement and accompanying Form PTO-1449 that were filed on March 10, 2004. A copy of the Form PTO-1449 was returned to Applicants with the mailing of the current Office Action, however, Applicants note that, although it appears the Examiner has considered the cited references, the Examiner's initials do not appear next to reference numbers A1-A2 and B2. Accordingly, Applicants request confirmation that the Examiner has considered these references and ask that they receive a copy of the Form PTO-1449 indicating such. Copies of the references

Amendment and Response U.S. Serial No. 09/422,999 Page 7

were provided with the initial submission, however additional copies can be provided upon request.

Conclusion

Applicants respectfully submit that the application is in condition for allowance and request early and favorable action. Prior to issuing another Office Action, Applicants' attorney respectfully requests that the Examiner call the undersigned at the telephone number below in order to expedite allowance of this application.

Respectfully submitted,

Date: September 3, 2004

Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110

Tel.: 617-310-8423

3109364_1

Jennifer G. Moitoso

Attorney for Applicants

Reg. No. 51,752

EXPRESS MAIL MAILING LABEL NO. EL 653443072US



MIT-103 (5473/111)

Transmittal Form (1 page); Fee Transmittal (1 page); Information Disclosure Statement (2 pgs.); Form PTO-1449 (1 pg.); copies of references A1-A2; B2 and C33-C37; Check in the amount of \$180.00; Associate Power of Attorney all under Express Mail Mailing Label No.: EL653442806US, dated March 10, 2004.

Name of Applicant:

Kawasaki, et al.

Serial Number:

09/422,999

Atty:

Jennifer G. Moitoso, Reg. 51,752

Date:

March 10, 2004



Atty:

Serial Number:

Name of Applicant:

Kawasaki, et al

March 10, 2004

Jennifer G. Moitoso, Reg. 51,752

Statement (2 pgs.); Form PTO-1449 (1 pg.); copies of references A1-A2; B2 and C33-C37; Check in the amount of \$180.00; Associate Power of Attorney all under Express Mail Mailing Label No.: EL653442806US, dated March 10, 2004.



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Complete if Known						
Application Serial Number	09/422,999					
Filing Date	October 22, 1999					
First Named Inventor	Kawasaki					
Group Art Unit	1646					
Examiner Name	Murphy, J.					
Attorney Docket No.	MIT-103					

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Patent Administrator	Date: March	10, 2004	Charle V. Mostos	2		
Testa, Hurwitz & Thibeault, LLP	Reg. No.: 51	1,752	Jenylifer G Maitoso			
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PATENT Attorney Docket No. MIT-103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Kawasaki, et al.

SERIAL NO.:

09/422,999

GROUP NO.:

1646

FILING DATE:

October 22, 1999

EXAMINER:

Murphy, J.

TITLE:

GENES INTEGRATING SIGNAL TRANSDUCTION PATHWAYS

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

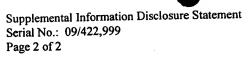
Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patents and publications are enclosed.

REMARKS

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	(1)	within three (3) months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the first Office action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. 1.114; or
\boxtimes	(2)	after the period defined in (1) but before the mailing date of a final action or a notice of allowance under 37 C.F.R. 1.311, and
		the requisite Statement is below, OR
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			the re	quisite Statement is below, AND
			the re	quisite petition fee under 37 C.F.R. 1.17(p), namely \$180.00 is included herein.
] PTO-	It is r 1449,	especti and o	fully rec	quested that each of the patents and publications listed on the attached Form formation contained herein, be made of record in this application.
				STATEMENT
	As re	quired	under 3	37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that:
] 1		Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or
] 2		No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.
				Respectfully submitted,
		rch 10,		Jennifer G. Moitoso
Keg.	:.0 <i>N</i>	51,75	L	Attorney for Applicants Testa, Hurwitz, & Thibeault, LLP
			10-842 48-710	



PATENT

Attorney Docket No. MIT-103

P 8 3 2004 E

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLE ANT(S):

Kawasaki et al.

SERIAL NO.:

09/422,999

GROUP NO.:

1646

October 22, 1999

EXAMINER:

Murphy, J.

FILED: TITLE:

Genes Integrating Signal Transduction Pathways

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

ASSOCIATE POWER OF ATTORNEY

Sir:

An associate power of attorney is hereby granted to:

NAME	REG. NO.
Jennifer G. Moitoso	51,752

in connection with the above-identified patent application.

Please continue to direct all correspondence relating to the above application to:

Patent Administrator Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110

Date: March 10, 2004

Reg. No. 39,061

Christine C. Vito

Respectfully submitted

Attorney for Applicant(s)

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VER 9/00 301934





FORM PTO - 1449

SUPPLEMENTAL INFORMATION

ATTORNEY DOCKET NO.: MIT-103

APPLICANT(S): Kawasaki et al.

DISCLO	SURE	STATEMENT	·	- COUE	<i>w</i> /	5	SERIAL N	O.: 09/42	2,999			•	
		STATEMENT	PAD	EMARK OF] 1	FILING D	ATE: 10	/22/99	GRO	UP N	O.: 1646	
				U.S.	PATEN'	ΓI	OCUME	ENTS					
EXAM. INIT.		DOCUMENT NUMBER		DATE NAME					CLASS	SUB CLASS		FILING DATE IF APPROPRIATE	
	A1	4,618,598		10-21-86	Conn						04-	12-82	
·	A2	5,874,464		02-23-99	Marqu	ıez	et al.				06-13-95		
		,,		FOREIG	GN PATI	EN	T DOCU	MENTS					
EXAM. INIT.		DOCUMENT DA NUMBER			COUNTRY		CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY		ENGLISH LANG (Y/N)	
	B2	WO 91/15515	10-1	17-91	PCT				04-05-91			Y	
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EXAM. INIT.	ОТН	HER DOCUMEN											
	C33	Bos, J., (1998) Ral" <u>The EMB</u>	O Jou	<u>rnal,</u> Vol.	17; No. 23	, pr	o. 6776-678	2.					
	C34	Haemostasis, V	ol. 74	l (1), pp. 3	02-308.								
	C35	Newman et al., Using the Mon	(Janu oclon	ary 1985) al Antibod	"Quantitat ly, AP-3" <u>B</u>	ion Bloc	of Membra od, Vol. 65;	ne Glycop No. 1, pp.	rotein IIIa 227-232.	on Intact I	Iuman	Platelets	
C36 De Bruyn, (October, 1974) "Rap1 and Ral in signal transduction; The Ras family: molecu signaling cascades," Ras-like small GTPases in platelet biology, University Medical Centry Netherlands, Chapter 1; General Introduction									ire oi	Officeric, The			
	C37	Zacharaski et a Retrospective (l., (19 Cohor	990) "Chro t Observat	onic Calciu ional Study	m <i>A</i> ⁄" <u>C</u>	Antagonist U Cancer Inve	Jse in Caro stigation, \	cinoma of th Vol. 8 (5), p	ne Lung ar p. 451-45	id Cole 8.	on: A	
EXAMIN	JEB						DATE C	ONSIDE	RED		-		